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FILED  
STATE OF CALIFORNIA  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
SACRAMENTO, CA December 15, 2011  
BY Cristy Guirramento ANALYST

8 BEFORE THE  
9 PHYSICAL THERAPY BOARD OF CALIFORNIA  
10 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 1D-2011-70849

12 VAL ZAJICEK, PT  
1417 Wooden Valley Rd.  
13 Napa, CA 94558  
Physical Therapist License No. PT 16462

ACCUSATION

14 Respondent.

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16  
17 Complainant alleges:

18 PARTIES

19 1. Rebecca Marco (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Physical Therapy Board of California, Department of Consumer  
21 Affairs.

22 2. On or about January 30, 1990, the Physical Therapy Board of California issued  
23 Physical Therapist License Number PT 16462 to Val Zajicek, PT (Respondent). The Physical  
24 Therapist was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on March 31, 2013, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2660 of the Code states:

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

...

(b) Fraud in the procurement of any license under this chapter.

...

(h) Conviction of a violation of any of the provisions of this chapter or of the Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the Medical Practice Act.

...

(k) The commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapist assistant.

5. Section 2661.5 provides in relevant part that "in any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable cost of investigation and prosecution of the case.

6. Section 2684(b) of the Code provides in pertinent part that to renew an unexpired license or approval, the licensee or the holder of the approval shall, on or before the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board, pay the prescribed renewal fee, and submit proof of the completion of continuing education or competency required by the board pursuant to Article 6.5 (commencing with Section 2676).

1           7. California Code of Regulations, title 16, section 1399.91, states:

2           “(a) As required by this article, a licensee must accumulate 30 hours of continuing  
3 competency hours in each license cycle. A licensee must submit evidence of completing those  
4 hours to the board in order to renew his or her license. In order to implement this requirement:”

5           “(1) For licenses that expire between October 31, 2010 and October 31, 2011, if the renewal  
6 is submitted prior to the expiration of the original license, 15 hours of continuing competency  
7 shall be completed.”

8           “(2) For licenses that expire on or after November 1, 2011, the full 30 hours shall be  
9 completed.”

10           “(b) “For first-time renewals, if the renewal is submitted prior to the expiration of the  
11 original license, the continuing competency hour requirements shall be one-half of the normal  
12 cycle. The requirements of 1399.93 shall apply to any renewal under this subsection.”

13           “(c) For those licensees accumulating ‘continuing education units’ or ‘CEUs’ under the  
14 continuing education requirements of APTA and CPTA, one CEU is equal to ten hours.”

15           8. California Code of Regulations, title 16, section 1399.93 states:

16           “For each renewal cycle, a licensee’s continuing competency hours must include the  
17 following:”

18           “(a) Two hours in ethics, laws and regulations, or some combination thereof, and “

19           “(b) Four hours in life support for health care professionals. Such training should be  
20 comparable to, or more advanced than, the American Heart Association’s Basic Life Support  
21 Health Care Provider Course.”

22           9. Section 498 of the Code provides that a board may revoke, suspend, or otherwise  
23 restrict a license on the ground that the licensee secured the license by fraud, deceit, or owning  
24 misrepresentation of a material fact or by knowingly omitting to state a material fact.

25           10. Section 2261 of the Code provides that knowingly making or signing any certificate  
26 or other document directly or indirectly related to the practice of medicine or podiatry which  
27 falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional  
28 conduct.

1 FIRST CAUSE FOR DISCIPLINE

2 (Fraud and Dishonesty)

3 11. Respondent is subject to disciplinary action under sections 498, 2261, 2660, 2660(b),  
4 2660(h), 2660(k), 2684(b), and Title 16 California Code of Regulations 1399.91(a)(1) and  
5 1399.93. The circumstances are as follows:

6 12. On or about December 1, 2010, Respondent signed under penalty of perjury a  
7 physical therapist renewal application wherein he certified that he "had accumulated at least the  
8 minimum continuing competency hours required by Section 1399.91 of the Title 16 of the  
9 California Code of Regulations within my renewal period and prior to my license expiration  
10 date." He further certified that "if I am audited by the PTBC, I can submit evidence of my  
11 completion of the continuing competency hours." Respondent's license expiration date/ renewal  
12 date was December 31, 2010.

13 13. On or about February 1, 2011, as part of a random continuing competency audit,  
14 Physical Therapy Board staff wrote to Respondent and requested that he submit documentation to  
15 demonstrate his compliance with his completion of the continuing competency hours. When  
16 board staff received no reply from respondent, they wrote follow up correspondence requesting  
17 Respondent document his continuing competency compliance on February 28, and May 31, 2011.  
18 To date Respondent has failed to respond to board staff's requests and has not documented his  
19 continued competency compliance.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
22 and that following the hearing, the Physical Therapy Board of California issue a decision:

23 1. Revoking or suspending Physical Therapist Number PT 18867, issued to Randy Ray  
24 Stark, PT;

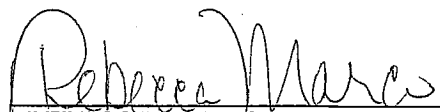
25 2. Ordering Randy Ray Stark, PT to pay the Physical Therapy Board of California the  
26 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
27 Professions Code section 2661.5;

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3. Taking such other and further action as deemed necessary and proper.

DATED: December 15, 2011

  
REBECCA MARCO  
Executive Officer  
Physical Therapy Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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